IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.728 OF 2007

Jimmy Paramjeetsingh Rajput and Anr. ..Applicants

Vs.

State of Maharashtra ..Respondents

...

Mr.Navin Chomal counsel for applicants
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-38 of 2007 of Panchvati Police Station. The said case is mainly under Sections 326 and 395 of IPC. It is the case of the complainant that the applicant along with other accused entered into his shop and assaulted the complainant, robbed him of wrist watch and other valuables. They also caused damage to the furniture and property in the shop. The complainant has specifically named the

applicants in the F.I.R. The medical certificates show that the complainant sustained four injuries in the said incident. One of the injuries was on the head i.e. "V" shape CLW 4x1x0.5" on the parieto occipital region. The FIR clearly shows the involvement of the applicants.

3. Mr.Chomal has pointed out that case would not fall under Section 326 of IPC. Prima facie, looking to the medical papers, there appears some merit in this submission. However, offence is also under Section 395 of IPC. Looking to the involvement of the applicants as stated by the complainant, I do not think that this is a fit case to grant anticipatory bail.

4. Application for anticipatory bail is rejected.

[V.K.Tahilramani, J.]